

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 28. 2004, Work Session**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adoption of the 2005 Legislative Agenda**

RECOMMENDATION: Adopt the 2005 Legislative Agenda as amended.

SUMMARY: Linda McMinimy will attend Council's work session to discuss the final draft of the 2005 Legislative Agenda (attached). It will also be appropriate to discuss at that time, how Council would like to present its issues to the City's General Assembly delegation.

PRIOR ACTION(S): August 10, 2004--Council Review of Preliminary Legislative Agenda

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, Linda McMinimy

ATTACHMENT(S): 2005 Legislative Agenda

REVIEWED BY: lkp

CITY OF LYNCHBURG

2005 LEGISLATIVE AGENDA

PRIORITY ITEMS

The Lynchburg City Council appreciates the progress made during the 2004 Session to maintain local taxing authority, provide a fairer balance of taxes and tax relief for many citizens, increase state revenues to maintain the state's AAA bond rating, eliminate a structural imbalance in the state budget and better support for core state and local service responsibilities.

The Council urges Region 2000 legislators to adhere to the following principles as they evaluate and vote on bills and budget amendments during the 2004 General Assembly Session:

- Continue progress toward adequately funding the state share of state-local services, especially in education, human services, and public safety.
- Preserve revenue measures passed during the 2004 Session, while fully funding the FY05 changes made to the personal property tax program.
- Oppose legislation that contains costly local mandates, reduces local revenue or narrows local taxing authority.
- Ensure that any changes to telecommunications taxes fully compensate localities for any loss of local telecommunications tax revenue.
- Oppose legislation that reduces local decision-making authority in land use planning and zoning.

Specific Action Requested

I. Continue Progress in Meeting State Fiscal Obligations to Localities

Lynchburg, like other older Virginia cities, has a high level of mandated service responsibilities and infrastructure costs and is dependent on a narrow tax base with limited capacity for growth. Lynchburg is the 17th most fiscally stressed locality in the state. Both the state and localities have a constitutional and statutory responsibility to share the costs of many services provided at the local level. The state should continue the progress made in 2004 to meet its responsibilities to fund its full share of the costs of mandated services in the following areas:

II. State - Local Funding Priorities:

- Education- Basic Aid and At-risk Programs
- Combined Sewer Overflow
- Transportation: Public Transportation, Street Maintenance, Urban Construction

- Comprehensive Services Act- reduce local match
- Social Services – Welfare Reform and Foster Care
- HB 599; fund should grow at same rate as state revenue growth
- Jail Per Diems- increase daily rates,
- Juvenile Justice and Detention Programs- restore funding
- Constitutional Officers
- State Share of Library Costs

III. Fund Education

The state should build on progress made during the 2004 Session toward funding K-12 education. Priority Items left undone during the 2004 Session include:

- Full restoration of Federal education funds deducted in 2004,
- Increase funding for programs serving “at-risk” students.

IV. Support the First Cities Coalition Agenda

Lynchburg is a member of the Virginia First Cities Coalition, which represents fifteen of Virginia's older, fiscally challenged core cities. The Coalition is working to change state policies that disadvantage cities, to fund programs and pass laws that will improve the vitality and condition of cities and the quality of life of city residents. The First Cities priorities include:

- Preserve tax-restructuring measures passed in 2004. Oppose bills that will erode the ability of the state to raise needed revenue for core services.
- Balance state-local service responsibilities
- Increase funding directed toward improving the educational achievement of at-risk students
- Reenact the Enterprise Zone Program, increasing the funding cap
- Provide start up funding for redevelopment programs, especially the Virginia Brownfield Restoration and Economic Redevelopment Assistance Program, the Housing Revitalization Zone Program and Derelict Structures Fund.

City of Lynchburg

2005 Legislative Positions

A. State/Local Partnerships

Amendments to the FY05-06 biennial budget should ensure continued progress toward full funding of state-local service responsibilities. The Governor and General Assembly should oppose efforts to eliminate local revenues sources or shift state funding responsibilities to the local level.

B. Public Safety

Terrorism Response

- Federal first responder funds provided to the state to combat terrorism should be distributed to the actual first responders, local fire departments with hazardous materials capabilities and police departments.
- Support legislation exempting police and firefighters from extended active National Guard and reserve duty, to ensure that the local terrorism response capabilities remain strong.

Juvenile Justice

- Restore funding for the Virginia Juvenile Crime Control and Corrections Act (JCCCA).
- Identify and support a suitable VJCCCA funding formula that honors historic State and Local partnerships.
- Restore Department of Juvenile Justice state block grants to support local juvenile detention facilities. Funding should be distributed based on capacity not utilization.
- Restore state block grants to local detention facilities incrementally as the State financial conditions improve.

Traffic Safety

- **Photo Red Light Monitoring:** Amend the Code to allow all localities to use photo-monitoring equipment to enforce traffic light signals.

C. Human Services

Comprehensive Services Act

- Increase funding for the Comprehensive Services Act. Any additional funds should be applied to the base program rather than the supplemental program and distributed based on local costs over several years as recommended by the Secretary of Health and Human Resources.

Mental Health/Mental Retardation Service Recommendations

- Restore state CSB funding. As Virginia's mental health system becomes more community based, adequate funding for community placement and treatment is critical.

Health Department

- Maintain adequate state funding for public health services in central Virginia.
- Fully fund the state share of the Central Virginia Health Department's building maintenance and lease costs.

Social Services

- Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program is tailored to help TANF recipients secure and maintain jobs and has been very successful.
- Maintain the current level of state funding for the administration of mandated program and services.
- Support reauthorization of Federal TANF Legislation and the work first requirement.
- Maintain prevention funding.

D. Utilities and Environmental Quality

Combined Sewer Overflow

- Provide state funding to assist CSO projects in Lynchburg.
- The General Assembly should increase funding to the Virginia Revolving Loan (VRL) program and earmark these funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.

State Taxes on Local Utility Funds

- Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government services.

Telecommunications

- Any changes to telecommunications taxes must fairly and fully compensate localities for any loss of local telecommunications tax revenue.
- Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.
- The right of way fee law enacted in 1998 should be maintained.

Public Utility Easement Agreements

Introduce legislation to amend Virginia Code § 55-59, to allow property owners to sign off on easement agreements for public utilities owned by a governing body. This would reduce significant delays and costs.

SCC Oversight of Local Government Underground Utilities

Oppose any amendments to the Underground Utilities Damage Prevention Act that would increase reporting requirements for local governments and local utility authorities, or that would increase unnecessary or costly SCC oversight.

E. Transportation

Maintaining Virginia's Transportation Network

Additional revenues are critical to maintain state and local transportation infrastructure and meet growing travel and commerce needs in Region 2000 and across the state. A 2001 JLARC study of transportation, as well as the VTRANS 20/25 July, 2004 interim report, established the need for significant additional funds to maintain and expand streets, highways and public transportation infrastructure and to fill the growing shortfall for all modes.

- Significantly increase dedicated non-general fund revenues for roads and bridges, public transportation, airport, and intercity rail; specifically the TransDominion Express
 - Oppose changes in the highway funding formula that would reduce road funding for Lynchburg.
 - Restore Primary funds for projects that were dropped from the six-year plan.
 - Reduce liability of publicly funded public transportation systems

F. Economic Development

- Reauthorize the Enterprise Zone legislation. Raise the funding cap and amend the program to make it even more useful to cities.

- Provide \$5 million dollars for the Brownfield Restoration and Economic Redevelopment Assistance Fund.
- Restore \$5.5 million to the Regional Competitiveness Program
- Oppose legislation that reduces local authority to conduct effective rental inspection programs.
- Support state transportation and land use policy initiatives that encourage city redevelopment and discourage dispersed development.
- Preserve and expand tax credit programs that benefit city redevelopment; including the Historic Tax Credit Program.

G. Zoning and Land Use

- Preserve local zoning and land use authority. Retain local authority to use by right special exceptions and special use permits to meet the individual needs of communities.
- Oppose legislation that would require localities to treat manufactured homes as single-family homes and allow them by right in all single-family districts; preempting the City's zoning ordinance and eroding local authority.
- Oppose legislation that would allow state agencies to circumvent local comprehensive plans and land use regulation in the placement of state or telecommunication facilities

Abandoned/Neglected Properties

- Introduce legislation amending Section § 53.1-129 of the Code of Virginia. These changes will make it easier for the court to allow local jail inmates to work under the supervision of the locality on state, county, city, town and certain private properties.
- Support legislation to make it more efficient and cost effective for local governments and citizens to reduce blighted properties.
- Support changes that continue to streamline the tax sale process on tax delinquent property while preserving reasonable protections for property owners.

Exemption of Religious Organizations from Local Ordinances

- Oppose any state legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local health, safety and zoning ordinances.

H. Education

Educational Funding

- Fully restore the Federal funds deduction.
- Add funding for at-risk incentive programs to improve educational achievement.

Proposal: \$2,000 beyond SOQ funding for each free lunch student with an add on factor based on a district's concentration of free lunch students, funding at a 4-1 state/local matching ratio

- Continue to implement and fund the State Board of Education recommendations to fully update the Standards of Quality and implement the Joint Legislative Audit and Review Commission JLARC education recommendations.
- Provide additional funding to correct distortions in the Composite Index formula that overestimates local ability to pay for education, reducing education funding for localities, like Lynchburg
- Retain funding for alternative education programs.

School Construction

- Restore funds transferred out of the Literary Fund.

I. Employee Relations and Training

Heart/Lung and Cancer Presumption

- Support local government initiatives amending the presumption statute to restore balance to the rebuttal process.
Unless a balance is restored:
- Oppose extending the presumption to salaried and volunteer EMT's and lifesaving and rescue squads.
- Oppose expansion of cancers covered by the presumption statute.

Binding Arbitration

- Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Employee Retirement and Benefits

- The General Assembly should refrain from the transfer of funds out of the Virginia Retirement Fund and into the General Fund to solve budget problems.
- Adequately fund education so that teacher retirement costs will be equitably borne by the state and its localities.
- Oppose shift of state VRS line of duty benefit responsibility to localities.